

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>		Attorney Docket No. 1165C																	
(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))		First Inventor Wesley B. Bruce																	
		Title Novel Plant Promoters and Methods of Use																	
		Express Mail Label No. EL 870382436 US																	
<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents.</i>		<b>ADDRESS TO:</b> Commissioner for Patents Mail Stop Patent Application P.O. Box 1450 Alexandria VA 22313-1450																	
<div>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i></div> <div>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</div> <div>3. <input checked="" type="checkbox"/> Specification <span style="float: right;">[Total Pages 39]</span> <i>(preferred arrangement set forth below)</i><ul style="list-style-type: none"><li>- Descriptive title of the Invention</li><li>- Cross Reference to Related Applications</li><li>- Statement Regarding Fed sponsored R &amp; D</li><li>- Reference to sequence listing, a table, or a computer program listing appendix</li><li>- Background of the Invention</li><li>- Brief Summary of the Invention</li><li>- Brief Description of the Drawings (if filed)</li><li>- Detailed Description</li><li>- Claim(s)</li><li>- Abstract of the Disclosure</li></ul></div> <div>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">[Total Sheets 15]</span></div> <div>5. Oath or Declaration <span style="float: right;">[Total Sheets 3]</span><div style="margin-left: 20px;"><div>a. <input type="checkbox"/> Newly executed (original or copy)</div><div>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 18 completed)</i></div><div>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></div></div></div> <div>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</div>		<div>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i></div> <div>8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i><div style="margin-left: 20px;"><div>a. <input checked="" type="checkbox"/> Computer Readable Form (CRF)</div><div>b. Specification Sequence Listing on:<div style="margin-left: 20px;"><div>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</div><div>ii. <input checked="" type="checkbox"/> paper</div></div></div><div>c. <input checked="" type="checkbox"/> Statements verifying identity of above copies</div></div></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"><b>ACCOMPANYING APPLICATIONS PARTS</b></div> <div>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</div> <div>10. <input type="checkbox"/> 37 C.F.R. 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i></div> <div>11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></div> <div>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</div> <div>13. <input type="checkbox"/> Preliminary Amendment</div> <div>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></div> <div>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></div> <div>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</div> <div>17. <input checked="" type="checkbox"/> Other: <u>Petition for Extension of Time; Continuation Application Filing</u></div>																	
<b>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:</b> <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div><input checked="" type="checkbox"/> Continuation    <input type="checkbox"/> Divisional    <input type="checkbox"/> Continuation-in-part (CIP) <small>Prior application information: Examiner J. Switzer</small></div><div><small>of prior application No: 09 / 766,399 Art Unit: 1638</small></div></div> <p><b>For CONTINUATION or DIVISIONAL APPS only:</b> The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>																			
<b>19. CORRESPONDENCE ADDRESS</b>																			
<div><input checked="" type="checkbox"/> Customer Number or Bar Code Label <span style="float: right;">27310</span> or <input type="checkbox"/> Correspondence address below</div> <div style="text-align: center; border: 1px solid black; padding: 2px; margin: 5px 0;"><i>(Insert Customer No. or Attach bar code label here)</i></div>																			
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 20%;">Name</td><td colspan="3"></td></tr><tr><td>Address</td><td colspan="3"></td></tr><tr><td>City</td><td style="width: 20%;">State</td><td style="width: 20%;">Zip Code</td><td></td></tr><tr><td>Country</td><td>Telephone</td><td>Fax</td><td></td></tr></table>				Name				Address				City	State	Zip Code		Country	Telephone	Fax	
Name																			
Address																			
City	State	Zip Code																	
Country	Telephone	Fax																	
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 30%;">Name (Print/Type)</td><td style="width: 30%;">Janice L. Rouse</td><td style="width: 20%;">Registration No. (Attorney/Agent)</td><td style="width: 20%;">52,183</td></tr><tr><td>Signature</td><td></td><td>Date</td><td>June 25, 2003</td></tr></table>				Name (Print/Type)	Janice L. Rouse	Registration No. (Attorney/Agent)	52,183	Signature		Date	June 25, 2003								
Name (Print/Type)	Janice L. Rouse	Registration No. (Attorney/Agent)	52,183																
Signature		Date	June 25, 2003																

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1764**Complete if Known**

Application Number	Not known
Filing Date	06026/03
First Named Inventor	Wesley B. Bruce
Examiner Name	J. Switzer
Group / Art Unit	1638
Attorney Docket No.	1165C

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 16-1852

Deposit Account Name Pioneer Hi-Bred International, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	750
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$ 750)</b>

**2. EXTRA CLAIM FEES**

Total Claims	15	-20 **	=	0	X	18	=	0
Independent Claims	4	-3 **	=	1	X	84	=	84
Multiple Dependent	0				X	0	=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$ 84)

\*\*or number previously paid, if greater; For Reissues, see above

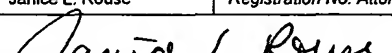
**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	930
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 930)**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Janice L. Rouse	Registration No. Attorney/Agent)	52,183	Telephone	515-270-3599
Signature				Date	June 25, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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**Express Mailing Label Number EL 870382436 US**

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on June 25, 2003.

  
Signature

Tracy Westphal

Typed or printed name of person signing Certificate

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Attorney Docket No. 1165C:

1. Return postcard/ 1
2. Certificate of Express Mailing (1 pg.)/ 1 copy
3. Utility Patent Application Transmittal (1 pg.)/ 1 copy
4. Fee Transmittal (1 pg.)/ 2 copies
5. Specification (39 pgs.)/ 1 copy
6. Drawings (15 pgs.)/ 1 copy
7. Copy of Declaration and Power of Attorney (3 pgs.)/ 1 copy
8. Application Data Sheet (3 pgs.)/ 1 copy
9. Statement to Support Filing (2 pgs.)/ 1 copy
10. Sequence Listing ( 12 pgs.)/ 1 paper copy & 1 diskette
11. Filing of an Information Disclosure Statement (1 pg.)/ 1 copy
12. Form PTO-1449 (3 pgs.) / 1 copy
13. Petition for Extension of Time (1 pg.)/ 2 copies
14. Continuation Application Filing (2 pgs.)/ 1 copy

Attorney Docket No. 1165C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bruce, et al.	Date:	June 25, 2003
Serial No.:	Not known	Group Art Unit:	1634
Filed	June 25, 2003	Examiner:	J. Switzer
For:	"Novel Plant Promoters and Methods of Use"		

**CONTINUATION APPLICATION FILING  
UNDER 37 CFR §1.53(b)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir,

This Application, filed concurrently herewith, is a Continuation of U.S. Application Serial Number 09/766,399, filed January 19, 2001. There has been no addition of new matter. Consideration of the present continuation application is respectfully requested.

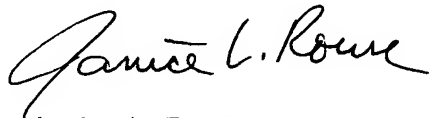
**REMARKS**

Revised claims 2-16 in the parent application 09/766,399, filed January 21, 2001, were submitted to the Examiner in response to a Final Office Action. The Examiner did not enter any of the claims at that time. New claims 1-15 have been submitted with this continuation application.

The arguments in the previous responses are maintained. Support for the newly amended claims is found in the original claims and throughout the specification. The examination and allowance of Claims 1-15 respectfully are requested.

Applicants respectfully submit that in light of the foregoing amendments and remarks and the Examiners statement in the Office Action mailed December 26, 2002, that SEQ D NO: 65 is free of the prior art of record; claims 1-15 are in condition for allowance. Further examination, reconsideration and allowance of the claims are respectfully requested. If prosecution toward allowance could be furthered by a telephone call to the undersigned, one is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Janice L. Rouse". The signature is fluid and cursive, with the first name "Janice" being more prominent and the last name "Rouse" following in a similar style.

Janice L. Rouse  
Agent for Applicant(s)  
Registration No. 52,183

PIONEER HI-BRED INTERNATIONAL, INC.  
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